



ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MA 01545-5398

July 25, 2006

PUBLIC HEARING: Town of Shrewsbury, 11 Church Road and 20 Centech Blvd.,
Shrewsbury, MA.

PURPOSE: To hear the appeal of the Town of Shrewsbury, 100 Maple Ave.,
Shrewsbury, MA, for special permits as required by the Town of
Shrewsbury Zoning Bylaw, Section III, Subsection E, to allow the
construction of a new fire department headquarters and a new fire station
number three upon properties located at 11 Church Road and 20 Centech
Blvd., respectively. The subject properties are described on the
Shrewsbury Assessor's Tax Plate 22 as Plots 469, 23-2, 23-3 and 23-4 and
Tax Plate 48 as Plot 4, respectively.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W.
Schaetzke, Donna Z. Towner and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the
Worcester Telegram on July 10, 2006 and July 17, 2006.

Mr. Rosen: Good evening.

Ms. Kang: Good evening.

Mr. Gordon: Would you please identify yourselves for the audio record.

Ms. Kang: Yes. I'm Kassee Kang, the architect on the project.

Chief LaFlamme: I'm Fire Chief Gerald LaFlamme. You may want to go right into
whatever you'd like to offer.

Ms. Kang: Okay. We've got two buildings, two properties that we're talking about. I'll
do the small one first.

This is Station Three at Centech Boulevard. I have a site plan. The station is a small
L-shaped building which is shown right here and this is the parking. There are two curb
cuts off of Centech Boulevard, one for parking here where there are eight parking spaces,
and then one for the fire trucks as well as a black top area for training purposes. The
front of the building will be brick and the roof will have asphalt shingles.

The Fire Headquarters building is located at Church Street. The existing fire station is
right here in this location. The new fire station will be behind it over here. The garage

portion will be facing Church Road. The administrative, bunk and living quarters in the two-story building will be behind the garage. It will be a back-in garage. This darkened area shows what we anticipate to be a paving area so there will be some patching and existing paving and things like that. Once the building is built, the old building will be demolished. There is some parking being added in the back and also along one side of the drive that comes into the administrative office area in the back.

This building will look like this. This east elevation is the elevation that would face Church Road, which is the one that's most visible. The north elevation is the entrance elevation, which would be this wall up here. So, once you've come around the building and you have business at the fire station, this is the elevation that you'll see. The entrance is under the tower here that identifies the entrance. This is the south elevation, which you might see through the trees from Main Street. This is the west elevation which really faces the cemetery which probably nobody will see it at all.

The building will be brick all around with a base of pre cast concrete, a cornice of pre cast concrete as well and then, at the very top, a metal roof edge. The roof over the tower will be a standing seam metal roof. There will be two seals on the tower, one for the Town of Shrewsbury and one for the Fire Department. They will be put on the center of that tower. The garage doors will be paneled doors with vision lights in the center, three rows across.

That's pretty much it. Are there any questions?

Mr. Rosen: Are there any questions?

Mr. George: The Centech Park building, is that one story?

Ms. Kang: One story, correct. It's one story. This portion here, which is the residential piece, will be lower, obviously, than the garage area which has to be higher to accommodate the trucks.

Mr. George: How many square feet is that building?

Chief LaFlamme: Approximately 6,000?

Ms. Kang: Oh, no, no, no. It's much smaller than that. I was going to say that it's more like 5,000.

Mr. George: Four or five?

Mr. Gordon: I think that your plan says that it's 4,420 sq. ft.

Ms. Kang: Okay.

Mr. Rosen: Any one else?

Mr. Gordon: I have some serious reservations. The last time that you were here was June 1, 2004 with the property at 476 Hartford Turnpike for a headquarters on 4 acres of land. Do you remember that?

Ms. Kang: I wasn't here, I don't think.

Mr. Gordon: Gerry, do you remember that?

Chief LaFlamme: Yes.

Mr. Gordon: You made a wonderful sell and, basically, the Zoning Board of Appeals unanimously voted the special permit thinking that it was a good idea. Then circumstances came and we've come to this day. I have to let you know that I abstained from voting at the town meeting and I voted against it. I'd like to explain to you what my reservations are. I'm not going to try to substitute my judgment for the judgment of the voters of the town who have approved this type of thing, but I think there are questions that should be answered by both you and maybe by your committee.

The main station in the center of town is on how many acres?

Chief LaFlamme: The present main center or the new one?

Mr. Gordon: The new one when you build it with all of this blacktop and all of that, although I know that some of it is the church land.

Ms. Kang: I don't know

Mr. Gordon: How large is the building?

Chief LaFlamme: The building footprint of under 10,000 sq. ft.

Mr. Gordon: Okay. The one that you brought to us two years ago was a little over 7,000 sq. ft., I believe. So, this is larger than that.

Chief LaFlamme: No. The building that I brought to you originally was a bit larger than this building that we're building now.

Mr. Gordon: Okay. I don't have that number in front of me, but I believe it might also have been under 10,000 sq. ft. At one time, these buildings had drive-through doors and it was you that said that drive-through doors were safer because you don't back into walls and that. That was one of the things that, I think, convinced me that this was a good idea. Now, none of the stations have drive-through doors. They're all back-up doors now. So, things have changed.

One of the other things that you told us at that meeting was that fire stations should be at the top a hill so the fire trucks can get out and run down hill. This Station Three is on a grade and will have to go up a grade and go through a light. What's changed? Has something changed?

Chief LaFlamme: Do you want me to answer these now or after?

Mr. Gordon: Well, you want me to approve a whole litany of changes.

Chief LaFlamme: Well, that's what I mean. If you wish, I'll start with, first off, the size of this station. The Headquarters Station is approximately, I believe, 2,000 sq. ft. smaller in footprint than the original Headquarters Station for one because some of the rooms were cut down in size, architecturally. And, secondly, because the building that we're building will fit logically on the piece of land that we're putting it on.

Originally, it was a 6,000 sq. ft. apparatus floor and a 6,000 sq. ft. living space in the building that we were talking about down on Route 20. You had a very large piece of land and you were able to expand the building a little bit more than what we can now. We're basically getting exactly the same thing as what I was looking before, except that the rooms are a little bit smaller. Again, that's because, architecturally, the rooms were adjusted from what I said that I thought the rooms should look like when you put the standards of a classroom requiring "x" number of sq. ft. per student. The room became a little smaller and so the size of the building shrunk by that 2,000 sq. ft. because of that.

Relative to the drive-through bays, it is a true statement that it is safer to drive through the bay. However, that's only one of the things that affect the building, whether you use it as a drive-through bay or a non drive-through bay. We also are increasing the size of the apron which we don't even have existing now to a 100 ft apron so that it gives you plenty of opportunity to arrange the truck in such a way to get more safely in and out of the building. Also, the concept of eight doors on the building would be far better than the concept of four doors, obviously, because your apparatus could be parked in such a way that you could use each door for each piece of equipment. You sacrifice that by going to a back-in station that you actually have to put something behind the other. That's why, on the side of the building, there's that garage door that you see on the side of the building so that we can use some of that room in the back and be able to leave immediately without removing a piece of apparatus that's in front of it. It's that type of a situation.

As far as the grade goes, Centech Drive is not going to be a heavily traveled road like trying to be out on Boylston Street, for example, or out on Route 20. When you make the corner and pull up the hill, you have that traffic light which the committee saw fit to commandeer with an opticom system which, to the minds of most people who look at this from a point of safety crossing Route 20, makes it much safer to cross Route 20 at that point than it does over at the 476 location.

Mr. Gordon: Okay. I have no problem with this being in harmony with the intent of the bylaw and will result in municipal purposes. I just have a couple of other questions. How does this promote public safety by increasing fire protection? I saw the circles. I have an issue with the circles, but how is where you're placing these stations going to increase fire protection? Wouldn't we be better off with one large public service building and everything coming out of it?

Chief LaFlamme: Well, first off again, a lot of that has to do with the timing issue of when we can deliver service to the town's people. The placement of the stations goes

directly to that. The Lake Station obviously isn't moving because it's in the most densely populated section of town, square footage area. With the Headquarters Station, one of the reasons why it's not moving is because we had the opportunity to use that piece of land and it's really positioned perfectly in the star of the center of town to be able to get out of the center of town and all over town. The Centech Drive Station is a move that has two factors to it. One is the fact that we're literally isolated in the corner of town. We're only 1,000 ft. from the border. The number of calls for service for that station, for example if you start at Lake Street and you go down towards Worcester, in a given year we do about 100 calls in that area. If you go from Lake Street heading out the other way through town, that vehicle does 600 calls out in that section of the area. So, what you're doing is you're moving the vehicle up further in the road and you're equating those 700 calls better. Plus there's one more aspect that, as that moves up further, that station can take on some of the call volume right now that's being taken on by either the Lake Station or Headquarters relative to swinging across Route 9, up onto Floral Street and taking in more of that area also. As a result, you do improve. By physically moving that station, you move dramatically the coverage that you have in town. Also, keeping in mind what we know to be the growth that's going to take place down in the southeast quadrant, which is taking place right now, that quadrant is being built out as we speak. Every bit of the fire protection is in the other three quadrants of town. That's why Edgemere is being moved over into that area.

Mr. Gordon: Okay. I have a little issue with that, but I'm not a fireman because, basically, the majority of the new buildings, both on east and west of Route 20, are being sprinklered. The apartment houses, except for one set of over 55's, a small one, are all sprinklered.

Chief LaFlamme: That's a true statement.

Mr. Gordon: I understand about why you want to move out of Edgemere because it's a small station and it's less efficient, but the houses in Edgemere are 3 ft. apart, literally 3 ft. apart, because we've given some of the variances here. As I understand it, every minute that a truck doesn't get into service at a fire, the fire doubles itself. So, you say that you're going to get there in this limited amount of time, but as I understand it, we currently put two men on a truck. The first engine to get to a fire really lassoes the hydrant, lets out the hose and uses the 500 gallons in the truck until the second engine comes, which is how long?

Chief LaFlamme: Largely, the first engine doesn't do that. The first engine typically proceeds immediately to the fire and uses that 500 gallons. The second truck coming in takes the hydrant and replenishes his water that he's using originally. In the Edgemere section the second truck is going to be the truck out of the Lake Station. They're going to be in there in the four to five minute range depending upon the time of year and the weather conditions, obviously.

Mr. Gordon: So, you're content that public safety will be served with these two stations located where they are and the sizes that they are, better than we're being served now?

Chief LaFlamme: Okay, I'm sorry. On the whole, yes. While Edgemere is going from a one minute response to their home to a four minute response to their home, you have the

entire extension of Route 20 that you're reducing the response time to their homes, some of them from eight minutes down to four minutes. So, what we're doing is we're balancing the response times out. Yes, there's a risk and there's a loss to these people, but the gain to the town is appropriate across the board when you look at the station being in the middle of Route 20.

Mr. Gordon: Okay. Then you contend that we need the three stations?

Chief LaFlamme: Yes, sir. Our population is only growing and our call volume is only growing. We're up to over 3,000 calls a year now.

Mr. Gordon: What are those calls though? Are they fires or are they first responders and false alarms?

Chief LaFlamme: The first responders equate to about 1,800 of them and the others are related to either alarms or fires.

Mr. Gordon: Okay.

Mr. Rosen: Any thing else?

Mr. Gordon: I am concerned about the public safety. I just want to make sure that you've thought of all of the options. I'm going to, you know, vote for it when the vote comes, but I am concerned because of the change. I just want to make sure we're not building a fire department because we bought a truck.

Chief LaFlamme: No, not at all, not at all because any one station could be modified for the vehicle. Part of the process of the strategic plan is to buy a truck and another part of the strategic plan is to redo the fire stations so it's not that one of them caused the other. They're both in the plan and they were both planned for in the strategic plan for the 10 year plan.

Mr. Gordon: Okay, thank you.

Chief LaFlamme: You're welcome.

Mr. Rosen: The only question that I have Chief, when you were here two years ago you were talking about on Route 20, there was going to be a training facility?

Chief LaFlamme: Yes.

Mr. Rosen: I know that there's nothing in the plans now, but is that something that is in the works or is something that will be?

Chief LaFlamme: You'll find in the site plan there there's a pad cut into the back yard down at the Route 20 station for a training tower. I don't want to go out on a limb and say that we've got enough money to buy a training tower and put it up there because I think that that would be an inappropriate statement to make at this point in time, but it is the intention of the committee that we're going to option the training tower in the bid

process. If, there are appropriate funds at the end of the building process, we will do it. If there are not, then we would come back at a future time for the actual facility itself.

Mr. Rosen: Okay. Is there anyone in attendance who would like to comment on this petition? Mr. Lebeaux.

Mr. Lebeaux: Mr. Chairman and members of the board, my name is John Lebeaux. I live at 203 Walnut Street. I'm the Chairman of the Board of Selectmen. I'd simply like to say that this proposal and previous proposals, none of them were perfect solutions. In each of the cases, compromises had to be made at the two proposals that were done in the center and also the original proposal to have a headquarters on Route 20. In every one of these instances, the size, location, whether it's back-in or drive-through and many other issues had to be considered and weighed. In each instance, something was better or something was worse. In the public process, it's very difficult to come up with the perfect solution. Costs also had to come into consideration.

Many of the issues raised tonight have been debated and considered by two town meetings and then voted on by a two thirds majority of the town meeting. That didn't end it. The question was then debated and considered in coffee shops and at kitchen tables throughout the town. Ultimately, the voters voted in favor of carrying forth this proposal so the town is here before you tonight seeking special permits with regard to zoning issues as prescribed by Section III, Subsection E, of the Zoning Bylaw to allow construction of the new fire department and a new fire station three at these two locations. So, we've presented the plans to you. We certainly hope that you will see fit to grant the special permits so that we can continue this process that has gone through a considerable amount of the public process. Thank you.

Mr. Rosen: Is there anyone else who wants to speak on this petition?

Mr. George: Chief, in regards to the Center Station?

Chief LaFlamme: Yes, sir.

Mr. George: You're increasing the amount of asphalt up there, black top. Are you gong to make sure that there's enough drainage for the abutters up there, the abutting houses around the area?

Ms. Kang: Yes. The goal is, obviously, not to affect their drainage at all and not to increase the load. As you will notice, there's a storm water infiltration system underneath the parking lot. At this time, I'm just going to pass these out. These are slightly updated site plans. You might not even notice the difference, but there are slight modifications.

(Ms. Kang presented the site plans to the board members.)

There's an infiltration under the parking lot, a 50 x 50 storm water infiltration system. So, that will be an on-site system that will take all of the catch basins. He's got the catch basins in there. That will take the catch basins. Then, there's a swale. The site does have a slope.

Mr. George: Right.

Ms. Kang: So, at the lower end of the slope, he's got a swale there just to take some of the water from the lowest parking spaces over there. This is not fully worked out, but we are very aware of that. We're not going to contribute to the neighbor's drainage issues.

Mr. George: Okay.

Mr. Rosen: Is there anyone else? Is there anyone in attendance who would like to comment on this petition? Chief?

Chief LaFlamme: I would just like to mention that we have been in an ongoing, a very good ongoing, relationship with the neighbors, with the Historical District Commission, with the Cemetery Commission and with the church folks. So, they have been in the process with us, invited to attend and have attended right along all of the meetings and things that we've had so any questions about. Any areas that they've asked for attention to, have been addressed over the course of the process. So, this certainly has not been done in a vacuum. We've been very, very attentive to the neighbors because of the fact that we're affecting the area.

Mr. Gordon: Can I comment?

Mr. Rosen: Yes.

Mr. Gordon: Chief, other than Selectman Card, were there any other fire people on your committee? Did you consult with any fire chiefs from neighboring areas or did they come in and speak with you?

Chief LaFlamme: One of the first things that I did was, in 2004 I went to New Orleans to the International Fire Chiefs Convention, and I took a three day course in fire station design and location. I have canvassed all the towns around the area, obviously the new stations that have been built, Hudson, Milford and Sterling for example, and looked at them. What this represents is a combination of what I gleaned from the classes, my experience here and what I considered to be what is the best facility that we can provide for the firefighters, for the town and for the money that we're spending. You know that Hudson, when they built their headquarters station, spent over \$7,000,000 on it. This building is going to come in, the building itself, the estimation is somewhere in the \$4,000,000 to \$4,500,000 range on the building itself. So, what we're building is a utilitarian facility with all of those things that the firefighters have asked for, all those things that MFPA looks for, all of those things that OSHA and IOSH and ISO are looking for also. So, all of that has been combined into the prospects of what this building will be as well as Station Three.

Mr. Rosen: There being no further comment, we'll take it under advisement and notify you of the board's decision. Thank you.

Chief LaFlamme: Thank you.

The decision of the board is on the following page.

Decision

On July 25, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of the Town of Shrewsbury, 100 Maple Ave., Shrewsbury, MA, for special permits as required by the Town of Shrewsbury Zoning Bylaw, Section III, Subsection E, to allow the construction of a new fire department headquarters and a new fire station number three upon properties located at 11 Church Road and 20 Centech Blvd., respectively.

As part of the overall strategic plan for the upgrading of the Shrewsbury Fire Department, approval was issued at the Special Town Meeting held on April 25, 2006 to replace the Fire Headquarters building located on Church road, to construct a new Fire Station Three upon town-owned property fronting upon Centech Blvd. and to renovate the existing Lake Station located on Harrington Ave. Subsequent to that approval, funds to implement this phase of the plan were approved by voters by ballot question presented at the Annual Town Election held on May 2, 2006. During the past several years, other segments of the plan have also been achieved, including the purchase of a new aerial ladder truck, a new rescue pumper, major equipment repairs and additional personnel.

Upon review of this appeal, which centers upon the replacement of the headquarters building and the new substation, the board found that the granting of the special permits to allow the continued and new use of the subject sites for the aforementioned purposes was in complete harmony with the intent of the Zoning Bylaw in regulating the use and development of town-owned property for municipal purposes. It was their opinion that the advancement of the fire department's strategic plan would significantly improve their capabilities to service the town as a whole, would advance the purposes of the bylaw and would promote the interest of public safety. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

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| Mr. Rosen | Yes |
| Mr. George | Yes |
| Mr. Gordon | Yes |
| Mr. Schaetzke | Yes |
| Ms. Towner | Yes |

PUBLIC HEARING: Michel Kassis, 130 High Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Michel Kassis, 53 North Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the occupancy of a portion of a new residence to be constructed upon property located at 130 High Street as an in-law apartment. The subject premises is described on the Shrewsbury Assessor's Tax Plate 11 as Plot 29.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W. Schaetzke, Donna Z. Towner and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on July 10, 2006 and July 17, 2006.

Mr. Rosen: Just state your name for the record and make your presentation.

Mr. Kassis: My name is Michel Kassis. As you stated, I currently live on 53 North Street. I am also the owner of the property on 130 High Street.

I'm renovating the house. I just purchased it about six or seven months ago and am renovating it. I would like to add an in-law apartment. My parents currently live with me and I would like them to continue living with me. I would like to give them their own space, private space, to live in.

Mr. Rosen: Do you have any plans?

Mr. Kassis: I do. I don't have copies enough for the entire board.

Mr. Rosen: That's okay.

(Mr. Kassis presented the plans to the board.)

Mr. Kassis: I believe that the first page that you're looking at shows the current conditions. Everything that is cross-hatched is what I'm removing. The next page is the front elevation of what it's going to look like when it's done. As you can see, it's not going to look like a two-family home; it's going to look like a single family home. I will not be encroaching or requiring any variances or anything like that. I will be within my setbacks.

Mr. Gordon: What zone is this, Residence A?

Mr. Rosen: It doesn't say.

Mr. Gordon: It doesn't say on our plan, but I looked at the map. Is it Residence A or Rural A?

Mr. Andre Kassis: I think that it's Residence B.

Mr. Alarie: It's B-1, Mr. Gordon.

Mr. Andre Kassis: It's B-1.

Mr. Gordon: Okay, B-1?

Mr. Alarie: Yes. Irrespective of the district, it's still a special permit use in any zone. An in-law apartment is permitted in any of those zones by special permit.

Mr. Gordon: Okay. So, in B-1, the lot size is 12,500 sq. ft.?

Mr. Alarie: Correct.

Mr. Gordon: Okay.

Mr. Alarie: This meets that requirement as well the frontage and all of the setbacks for that district.

Mr. Gordon: One thing I'm not clear on either in reading the legal notice or looking at the plans is if this is a tear down and rebuild? What is this?

Mr. Kassis: No, it's not a complete tear down. I will be keeping the same foundation and expanding on it.

Mr. Gordon: But you'll be tearing it down to the foundation?

Mr. Andre Kassis: No, there will be walls and a first floor deck that will remain.

Mr. Gordon: Will you identify yourself so that she can put it on the record there?

Mr. Andre Kassis: Sure. My name is Andre Kassis. I'm Michel's brother.

Mr. Kassis: He's also going to be doing the building work for me. Plus, he's a contractor. So, yes, I will be keeping the first floor deck, the second floor floor and removing the entire second floor and the current garage that's attached.

Mr. Gordon: Okay. The existing house now, on the first floor in the new house, will there be the family room, the dining room and things in between?

Mr. Kassis: That is correct.

Mr. Gordon: Okay. The new house will be built around that, but all of that wood is going to stay?

Mr. Kassis: On the first floor? Yes.

Mr. Gordon: On the first floor? I'm looking at the first floor plan of the addition.

Mr. Kassis: The only wood that is not going to stay, if you're looking at the family room and if you're looking at the most left-hand corner, you see cross-hatched lines. Those walls will be removed. I'll be expanding that room 8 ft. to the back.

Mr. Gordon: Okay, so the family room will be 8 ft. bigger?

Mr. Kassis: That's correct, on either side.

Mr. Gordon: Okay.

Mr. Kassis: Also, along the right-hand side where it says "dining room" in the front and "kitchen" in the back and shows the cross-hatched lines, that's the existing wall right now.

I'll be removing that wall and pushing it a little bit to the right side and then adding the new garages.

Mr. Gordon: Okay. The old house is how large? What's the square footage?

Mr. Kassis: In total, I believe it's a little bit over 1,000 sq. ft.

Mr. Gordon: The new house will be?

Mr. Kassis: Including the in-law, 3,200 sq. ft.

Mr. Gordon: Okay.

Mr. Kassis: The house will be made to look like the houses around it and the new homes that are being built around it. Again, like I said, it will not look like anything like two-family house.

Mr. Gordon: Like what it looks like now?

Mr. Kassis: Like what it looks like now or mainly a two-family home, if that's the concern.

Mr. Rosen: The portion of the house that's going to be the in-law apartment, that's just basically over the garage?

Mr. Kassis: That's correct.

Mr. Rosen: Okay, but the rest of the house?

Mr. Kassis: The rest of the house is the main house.

Mr. Rosen: Okay. Did Mr. Alarie explain to you the provisions of the in-law apartment and the rules that it has to be a family member?

Mr. Andre Kassis: No, he did not, but we haven't gone that far yet.

Mr. Rosen: Okay. Basically, it has to be a family member, a blood relative. You can't rent it out at a later date. It doesn't change the characteristic of the house or the zone.

Mr. Kassis: That is correct. Yes, we understand that.

Mr. Gordon: And we put a sunset provision in.

Mr. Rosen: We put a sunset provision in limiting it to your ownership.

Mr. Kassis: I'm sorry, what is a sunset provision?

Mr. Gordon: That if you sell the house, whoever comes in next has to reapply.

Mr. Kassis: Okay.

Mr. Gordon: That's to see that it's their relatives. That goes in the deed restriction, Ron?

Mr. Alarie: No. The decision of the board will be recorded at the Registry of Deeds, not in the deed. That would follow through on any title report for the property.

Mr. Gordon: Okay. I'm fine.

Mr. Rosen: Are there any other questions? Is there anyone in attendance who would like to comment on this petition? Yes, Sir?

Mr. Harper: Bill Harper, 132 High Street. I'm the abutter. These gentlemen are out there working diligently to make what's pretty much a run down piece of property a lot nicer. They've cut down trees and they've taken care of the yard. They're beating those walls to death. There are a lot of removals and they're working very diligently at it. This fellow is over there all the time. Let them in.

Mr. Rosen: Is there anyone else who wants to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

The decision of the board is on the following page.

Decision

On July 25, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Michel Kassis, 53 North Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the occupancy of a portion of a new residence to be constructed upon property located at 130 High Street as an in-law apartment.

The appellant recently purchased the Cape-style single family dwelling situated upon the subject premises and proposes to reconstruct and expand this structure thereby converting it to a Colonial design. Part of the expansion includes the construction of an attached two car garage that will include in-law living accommodations at its second floor level.

Upon review of this appeal, the board found that the inclusion and occupancy of an in-law apartment within the expanded structure was in concert with the intent of the Zoning Bylaw in permitting such accessory living accommodations within or attached to a single family residence. They found that the new structure would significantly improve the value of the property, would compliment the general character of other homes within the North Street/High Street neighborhood and that the occupancy of the in-law apartment would not create any condition which would adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board subject to the following:

1. The occupancy of the in-law apartment shall be limited to three or less individuals, all of whom shall be related to the principal residents of the property.

2. The rights authorized by the issuance of the special permit shall remain in effect only during that period of time that the appellant owns and occupies the subject residence.

Vote

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| Mr. Rosen | Yes |
| Mr. George | Yes |
| Mr. Gordon | Yes |
| Mr. Schaetzke | Yes |
| Ms. Towner | Yes |

PUBLIC HEARING: Henry A. Sullivan, 5 Trowbridge Lane, Shrewsbury, MA.

PURPOSE: To hear the appeal of Henry A. Sullivan, 5 Trowbridge Lane, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the occupancy of a proposed addition to be constructed upon property located at 5 Trowbridge Lane as an in-law apartment. The subject premises is described on the Shrewsbury Assessor's Tax Plate 23 as Plots 419-1 and 420.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W. Schaetzke, Donna Z. Towner and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on July 10, 2006 and July 17, 2006.

Mr. Buddenhagen: I'm Mike Buddenhagen and I'm the builder. This is Henry Sullivan, the owner of the house.

Basically, what we want to do is we're building an addition on the back of his house which currently includes a bedroom and a family room. We'd like to be able to add a small kitchen where the family living room is at this time. I have one set of plans. I didn't realize that I needed a whole set to give you. Would you like me to put them on the board here?

Mr. Rosen: Yes, the board's fine.

Mr. Gordon: Mr. Buddenhagen, who's going to be the in-law?

Mr. Sullivan: We are.

Mr. Gordon: Okay. Your children are going to live in the main section of the house?

Mr. Sullivan: Right.

Mr. Buddenhagen: So, basically, what we have here is an addition to the back of the garage. It comes out 24 ft. across 26 ft. and back. It's all in the back of the house. There's going to be a bedroom. This is all going to be a living room area here. We'd like to add a small kitchen up there.

Henry's daughter is going to move into the house, take the main part of the house and then Henry and his wife are going to move into this 24 ft. by 26 ft. addition back there.

Mr. George: Is that a one-story addition?

Mr. Buddenhagen: It is.

Mr. Rosen: The entire addition is the in-law apartment?

Mr. Buddenhagen: Yes. It's about the size of a small two-car garage, just to give you an idea of how big it is.

Mr. Gordon: I just have a couple of questions, if I might. The fence in the back, who owns the fence on the right-hand side?

Mr. Sullivan: On the right-hand side as you look toward the street?

Mr. Gordon: From the street, on the right-hand side.

Mr. Sullivan: That's Mr. DeMalia.

Mr. Gordon: Who's stuff is stacked up against it, yours? There was stuff stacked up against it.

Mr. Sullivan: Against the fence?

Mr. Gordon: Yes. Is that going to be cleaned up when you're done, all the debris and stuff?

Mr. Sullivan: Yes. You probably mean the fence behind our house. Is that the one that you mean, the one behind our house, a wooden fence?

Mr. Gordon: Yes.

Mr. Rosen: The one on the right property line.

Mr. Gordon: Yes.

Mr. Sullivan: That was all wooded. That's our property out to the fence.

Mr. Gordon: But now, I'm concerned with the one on the right-hand side. I'll just be more basic. Is everything going to be cleaned up and taken off of the property when you are done, all of the debris that is there?

Mr. Sullivan: Oh, yes.

Mr. Buddenhagen: Anything that was generated by us would be taken away. As far as debris, I'm not really sure what you're talking about.

Mr. George: I think that the only thing that's against the fence is from the pine trees. There's a lot, from over the years, of needles coming down. They're just stacking up along the fence area.

Mr. Buddenhagen: We've been in there and cut some trees. I don't know if that's what you're referring to.

Mr. George: It's on the other side.

Mr. Gordon: It's on the other side.

Mr. George: Is that your fence or is that the DeMalia's fence?

Mr. Sullivan: Our fence, our fence.

Mr. George: It's your fence?

Mr. Sullivan: Yes.

Mr. Buddenhagen: It's on his side of the fence.

Mr. George: Yes; it's on his side of the fence.

Mr. Gordon: Well, if you could clean it up, this is an opportunity to clean it up when you'll have his equipment there. It makes it a lot easier for anybody. Good fences make good neighbors.

Mr. Sullivan: That's what they say.

Mr. Gordon: So, you're going to have your child move back in with you?

Mr. Sullivan: She was born there.

Mr. Rosen: You're aware of the provisions of the in-law apartment bylaw?

Mr. Sullivan: It won't be rented out.

Mr. Rosen: Okay. Does anyone else want to comment? Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

The decision of the board is on the following page.

Decision

On July 25, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Henry A. Sullivan, 5 Trowbridge Lane, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to

allow the occupancy of a proposed addition to be constructed upon property located at 5 Trowbridge Lane as an in-law apartment.

Upon review of this appeal, the board found the appellant's plans to construct a 24 ft. by 26 ft. addition to the rear of his home that he and his wife would occupy as an in-law apartment to be consistent with the intent of the Zoning Bylaw in permitting such accessory living accommodations within or attached to a single family residence. They found that the occupancy of the relatively small, three room apartment would not create any condition which would adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board subject to the following:

1. The occupancy of the in-law apartment shall be limited to three or less individuals, all of whom shall be related to the principal residents of the property.
2. The rights authorized by the issuance of the special permit shall remain in effect only during that period of time that the appellant owns and occupies the subject residence.

Vote

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|---------------|-----|
| Mr. Rosen | Yes |
| Mr. George | Yes |
| Mr. Gordon | Yes |
| Mr. Schaetzke | Yes |
| Ms. Towner | Yes |

PUBLIC HEARING: Michael and Kerry Manchester, 308 Prospect Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Michael and Kerry Manchester, 308 Prospect Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the occupancy of a proposed addition to be constructed upon property located at 308 Prospect Street as an in-law apartment. The subject premises is described on the Shrewsbury Assessor's Tax Plate 5 as Plot 14.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W. Schaetzke, Donna Z. Towner and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on July 10, 2006 and July 17, 2006.

Mr. Gordon: Would you identify yourself for the record.

Ms. Manchester: I'm Kerry Manchester.

Michael Manchester: I'm Michael Manchester.

Ms. Manchester: We just got our drawing and couldn't make copies.

(Ms. Manchester presented the drawings to the board.)

We actually bought the house about three years ago from my father who relocated and is now moving back. We'd like to build an in-law apartment to have him come live with us. What we're proposing is to add a one-car addition to the two-car garage so that it will be a three-car garage and build an in-law apartment above it.

Mr. Rosen: So, the in-law apartment will cover the whole three-car garage?

Ms. Manchester: Correct.

Mr. Rosen: Do you plan on matching the existing siding, the existing roof?

Ms. Manchester: Exactly. What we're considering doing, for aesthetic reasons, is possibly doing a garrison type front to it to just visually separate the garage part and the living part, but we'll match the siding and the roofline exactly.

Mr. Gordon: Where will the entrance be, the outside entrance?

Ms. Manchester: There will be two entrances, one in the garage and the other will be a deck off of the family room part of the apartment.

Mr. Gordon: With stairs?

Ms. Manchester: Correct. Actually, I have another drawing that includes that. It's an interior view.

(Ms. Manchester presented the drawing to the board.)

Mr. George: There's nothing on top of those garages right now?

Ms. Manchester: Correct.

Mr. George: Okay.

Mr. Gordon: Have you spoken with your neighbors about what you're doing?

Michael Manchester: I spoke with the neighbor up the street and across the street. I haven't spoken to the other side or across the street.

Ms. Manchester: The Cranbrook side.

Mr. Gordon: Okay. When I first looked at it, I looked at the plan upside down. I thought that you were building into his driveway there.

Michael Manchester: No.

Ms. Manchester: We think that we'll have about 12 ft. of land before you hit the hill after the garage goes up.

Mr. Rosen: How far up the hill is yours?

Michael Manchester: Hers?

Mr. Rosen: No, yours. Where's the property line?

Ms. Manchester: At the top of the hill. We go all the way to Cranbrook in the back and up to the top of the hill on the garage side.

Mr. Rosen: Are there any more questions? Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

The decision of the board is on the following page.

Decision

On July 25, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Michael and Kerry Manchester, 308 Prospect Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the occupancy of a proposed addition to be constructed upon property located at 308 Prospect Street as an in-law apartment.

The board reviewed the appellants' plans to add a third bay to the existing two car garage attached to the southerly side of their home and to construct a second floor above the entire garage area. They propose to occupy this new second floor area as an in-law apartment. The board found this proposal to be in complete accord with the intent of the Zoning Bylaw in permitting such accessory living arrangements to be provided within or attached to a single family home. It was their opinion that the expansion of the Manchesters' home and the proposed use would not create any condition which would adversely impact the welfare of area residents. It was therefore, unanimously voted to grant the appeal subject to the follow:

1. The occupancy of the in-law apartment shall be limited to three or less individuals, all of whom shall be related to the principal residents of the property.
2. The rights authorized by the issuance of the special permit shall remain in effect only during that period of time that the appellants own and occupy the subject residence.

Vote

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| Mr. Rosen | Yes |
| Mr. George | Yes |
| Mr. Gordon | Yes |
| Mr. Schaezke | Yes |
| Ms. Towner | Yes |

PUBLIC HEARING: Andrew J. O'Connor and Jennifer L. Hale, 176 North Quinsigamond Avenue, Shrewsbury, MA.

PURPOSE: To hear the appeal of Andrew J. O'Connor and Jennifer L. Hale, 176 North Quinsigamond Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 176 North Quinsigamond Ave. maintaining the existing nonconforming side yard setback of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 25 as Plot 40.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W. Schaetzke, Donna Z. Towner and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on July 10, 2006 and July 17, 2006.

Mr. O'Connor: I'm Andrew O'Connor. This is my wife, Jennifer Hale.

Ms. Hale: We're actually here to request a special permit to allow for the construction of an addition to our existing property maintaining the existing nonconforming side yard setback of the property.

Mr. O'Connor: It's a one level addition just going off of the back of the house. It's going to be a family room, master bedroom and a master bathroom.

Mr. Rosen: It looks like you have enough room to the rear, that's for sure.

Mr. O'Connor: The existing house is 1,175 sq. ft. I think the addition is going to be pretty close to that too.

Ms. Hale: Approximately 1,000 sq. ft..

Mr. George: So, you're doubling the size?

Ms. Hale: Yes.

Mr. Gordon: The only question that I had is about the garage. Will you have adequate access to it when you build the addition?

Mr. O'Connor: Yes.

Mr. Gordon: Are you going to move it or is it going to stay.

Mr. O'Connor: That garage is way to the right.

Mr. Gordon: Okay.

Ms. Hale: There's plenty of room.

Mr. Gordon: It's not clear on this plan. As you can see, you've got the garage behind the corner of the house on this plan. That was my only concern.

Ms. Hale: No; there's plenty of room.

Mr. Gordon: You're not going to be building a new garage.

Ms. Hale: No, it's staying as it is.

Mr. Rosen: You're not making any changes to the existing house?

Ms. Hale: No; just new siding and a new roof. That's about it. We have discussed this with both of the neighbors. They're fine, both of the neighbors.

Mr. Rosen: Are there any questions?

Mr. Gordon: Is there a foundation under your existing house?

Ms. Hale: Yes.

Mr. Gordon: And there will be under the new one?

Mr. O'Connor: Yes.

Mr. Gordon: Your new addition?

Ms. Hale: Yes.

Mr. Rosen: Is it single story?

Ms. Hale: Yes.

Mr. Rosen: Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

The decision of the board is on the following page.

Decision

On July 25, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Andrew J. O'Connor and Jennifer L. Hale, 176 North Quinsigamond Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 176 North Quinsigamond Ave. maintaining the existing nonconforming side yard setback of said property.

Upon review of this appeal, the board noted that the appellants' property was developed well before the adoption of the current dimensional requirements set forth in Table II of the Zoning Bylaw. The property is located in a Rural B District, has 100 ft. of frontage and is over 400 ft. in depth with the siting of their home not in conformance with the either the minimum 50 ft. front yard or 30 ft. side yard requirements applicable to this zone. They propose to construct an addition to the rear of the dwelling that would partially extend its existing northerly side yard setback of 22 ft. and a jog in its layout would then increase the setback by 2 ft. for the majority of that sidewall of the addition. It was the board's opinion that construction of the addition would neither materially change the nonconforming features of this property nor have any detrimental impact upon the welfare of area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

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| Mr. Rosen | Yes |
| Mr. George | Yes |
| Mr. Gordon | Yes |
| Mr. Schaetzke | Yes |
| Ms.. Towner | Yes |

PUBLIC HEARING: Christine A. Anderson and Nancy A. Owens, 13 Canna Drive, Shrewsbury, MA.

PURPOSE: To hear the appeal of Christine A. Anderson and Nancy A. Owens, 13 Canna Drive, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story dormer addition upon property located at 13 Canna Drive maintaining the existing nonconforming side yard setback of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 51 as Plot 54.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W. Schaetzke, Donna Z. Towner and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on July 10, 2006 and July 17, 2006.

Mr. Rosen: Good evening

Ms. Owens: I'm Nancy Owens and this is Christine Anderson.

Ms. Anderson: I have some plans to show you.

(Ms. Anderson presented the plans to the board.)

Mr. Gordon: Is this for a bathroom?

Ms. Anderson: Just a half bath and increasing storage space upstairs.

Mr. Gordon: So, basically, if I were looking at your roof, the vent pipe is going to be where you're building it, in front of the chimney?

Ms. Anderson: Correct. It's right in the middle of the chimney on both sides.

Mr. Gordon: Can we put it in our decision that the next door neighbors should paint their house?

Mr. Rosen: I think that that's a tough sell. Is there anyone else? Is there anyone in attendance who would like to comment on this petition?

Mr. Holovnia: Yes. My name is Fred Holovnia. I live at 17 Canna. I know these people. The house they have now, it's excellent construction. I don't know how far this side is to me from the lot line. I'm going to be adamantly opposed to anything that isn't 10 ft. in from the lot line on new construction.

Mr. Rosen: They're maintaining the existing setback.

Mr. Holovnia: Maintaining the setbacks?

Mr. Rosen: It's a special permit to use the existing side yard setback. All of the side yard setbacks are being maintained.

Mr. Gordon: They're going to go straight up Mr. Holovnia. It's not going to come out.

Mr. Holovnia: No, not straight out, but I don't think that one side is quite 10 ft. from the lot line.

Mr. Gordon: Well, that exists now. We're not going to change that.

Mr. Rosen: They're not coming any closer than they are.

Mr. Holovnia: Yes, but the new construction's got to be 10 ft. in.

Mr. Rosen: It needs to maintain the existing setback if we grant the special permit. It can't encroach beyond what it is now.

Mr. Holovnia: Yes, but new construction has to be 10 ft. in. I have Judge Welch's decision.

Mr. Gordon: Why don't you share that with us?

(Mr. Holovnia presented the decision to the board for review.)

Mr. Holovnia: One side of their house is well within the lot line specifications.

Mr. George: Does that come before zoning, Ron?

Mr. Holovnia: The southeast side is well within 10 ft. from the lot line. The side toward me is, how far are you from the lot line?

Ms. Anderson: Seven feet?

Mr. Holovnia: Six or seven feet?

Ms. Anderson: Maybe, give or take.

Mr. Alarie: Mr. Chairman, that case took place well before the change in the statute. Actually, in that instance, Mr. Holovnia did not prevail in court. The judge ruled that the permits that were issued and the decision of the board relative to the house in question at that time were legitimate. In this case, the case law specifically states the board has the authority to allow the vertical or the lateral extension of a nonconforming setback if they find that the change is not more detrimental to the neighborhood.

Mr. Rosen: Than the existing?

Mr. Alarie: Correct, than the existing nonconforming conditions. That's according to case law and the zoning standards that are in effect at this point in time.

Mr. Holovnia: No, but in my case, the deck was moved in. It was 10 ft. in and the judge ruled that it was 10 ft. in.

Mr. Alarie: No. I think if you look at that, Mr. Holovnia, you offered no proof that the deck was in violation or the addition was in violation and the courts ruled that the structure was in conformance.

Mr. Holovnia: They cut the deck back to make it 10 ft. in.

Mr. Alarie: Well, we have a difference of opinion on that, but it's really not material to this hearing. Again, my recollection is that the Superior Court ruled that the deck that was built was not in violation and the Appeals Court subsequently affirmed that ruling.

Mr. Rosen: Relative to the appeal this hearing, excuse me, they can't encroach any further than what they already are.

Mr. Holovnia: Yes. Like I say, it's a good house. It's well built and all of that. You talked before about the fire station being moved. You know, a fire down in Edgemere is fast moving and the houses are too close together.

Mr. Gordon: This addition is going to be no closer to you than the house is now.

Mr. Rosen: Right.

Mr. Holovnia: I know that. That isn't the argument. The argument is that new construction should be 10 ft. in.

Mr. Rosen: Well, the bylaw provides that it can't encroach any closer than what it is, which it won't.

Mr. Holovnia: Well, let me have that sheet back. I prevailed in that. The judge made the ruling on the 10 ft. from me.

Mr. Gordon: I don't think that this is the place to argue that.

Mr. Rosen: Yes, it's not relevant to this hearing.

Mr. Gordon: It's not relevant to this hearing.

Mr. Holovnia: I don't know, which side do they want to put that addition on?

Mr. Gordon: Your side.

Mr. Holovnia: On my side?

Mr. Gordon: Going straight up, not infringing on you at all, just going straight up. It's a bathroom.

Mr. Rosen: And a closet.

Mr. Gordon: And a closet. They will be no closer to you than they are now. It'll actually improve the look of your house by being a brand new section.

Mr. Holovnia: Yes. Well, on the other side, they're doing a beautiful job putting up nice houses and they're 10 ft. in.

Mr. Gordon: Okay.

Mr. Rosen: Okay.

Mr. Holovnia: There's no argument?

Mr. Gordon: Some are and some are not. After we make our decision, if it's not to your liking, you have the right to appeal it again.

Mr. Holovnia: I know. I might.

Mr. Rosen: Is there anyone in attendance who would like to comment on this petition?

Mr. Holovnia: All right.

Mr. Rosen: There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On July 25, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Christine A. Anderson and Nancy A. Owens, 13 Canna Drive, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story dormer addition upon property located at 13 Canna Drive maintaining the existing nonconforming side yard setback of said property.

The board reviewed the appellants' plans to construct a relatively small shed dormer on the westerly side of their home and found that the vertical extension of the structure's existing westerly side yard setback would not materially change or expand its nonconforming features. They noted that the dwelling is only one and one half stories in height, that the proposed dormer is approximately 10 ft. in length and less than 8 ft. in height and that it is located within the center section of the roof. They felt that its construction would have no impact upon the welfare of area residents or depart from the general character of the other homes within the Canna Drive neighborhood and, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

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|---------------|-----|
| Mr. Rosen | Yes |
| Mr. George | Yes |
| Mr. Gordon | Yes |
| Mr. Schaetzke | Yes |
| Ms. Towner | Yes |

PUBLIC HEARING: Jonathan Pehl, 15 Hapgood Way, Shrewsbury, MA.

PURPOSE: To hear the appeal of Jonathan Pehl, 15 Hapgood Way, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the re-construction of a portion of the single family home situated upon property located at 15 Hapgood Way maintaining the existing nonconforming rear yard setback of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 27 as Plot 310.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W. Schaetzke, Donna Z. Towner and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on July 10, 2006 and July 17, 2006.

Mr. Pehl: Hi, I'm Jonathan Pehl. I live at 15 Hapgood Way. This is my father, Brian Pehl. He's a contractor. He's taught me a lot.

I have an old existing back room that has been there as long as the house. I just, pretty much, want to take it down to the slab and rebuild it up to energy code standards and put a pitched roof on it matching the existing pitched roof of the house. It will be no bigger, no further back. I have a drawing here.

Mr. Rosen: Yes, if we could see some plans?

(Mr. Pehl presented the plans to the board.)

Mr. Pehl: Here's the actual plot plan. That shows the room back here. You can see that it's 35 ft. from the lot line. This is the proposed cross section.

Mr. Rosen: So, there's no new construction?

Mr. Pehl: No.

Mr. Rosen: It's all going to be the same?

Mr. Pehl: Yes. It's just keeping the original foundation.

Mr. Gordon: It's not going to be brick though? It's going to be something else, right?

Mr. Pehl: It's going to be two by six frame.

Mr. Gordon: Okay.

Mr. Rosen: Are there any other questions? Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On July 25, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Jonathan Pehl, 15 Hapgood Way, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the re-construction of a portion of the single family home situated upon property located at 15 Hapgood Way maintaining the existing nonconforming rear yard setback of said property.

There is a small old extension to the rear of the appellant's home which is of brick and masonry block construction that has a relatively flat shed styled roof. Mr. Pehl proposes to remove only the walls and the roof of the structure and to then reconstruct upon the existing foundation a wood-framed addition having a gable-styled roof that would face the rear yard of his property.

The board found, upon review of this appeal, that alterations proposed by the appellant would not materially change the nonconforming configuration of his home or create any condition which would adversely impact the welfare of area residents. They felt that the renovation and modernization of the aforementioned portion of Mr. Pehl's residence would improve its appearance and the overall condition of the structure and, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

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|---------------|-----|
| Mr. Rosen | Yes |
| Mr. George | Yes |
| Mr. Gordon | Yes |
| Mr. Schaetzke | Yes |
| Ms. Towner | Yes |

PUBLIC HEARING: Thomas and Beth Oliveri, 649 South Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Thomas and Beth Oliveri, 649 South Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an inground swimming pool 10 ft. from the side lot line of property located at 649 South Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 44 as Plot 11-29.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W. Schaetzke, Donna Z. Towner and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on July 10, 2006 and July 17, 2006.

Mr. Rosen: Please state your name for the record.

Mr. Oliveri: Tom Oliveri.

As you stated, we're looking for a 10 ft. variance to have an inground pool put into the yard. We had the land surveyed by B&R Survey. I think that you folks have that in front of you. Our neighbors who are closest, the Selsors, have signed a letter stating that they have no objections to the pool being installed.

Bill Ellsworth from McCarthy Pools has been out. He sees no problem as long as there's the 10 ft. variance. That's why I'm here today. Mr. Gordon was out on Saturday. He took a look at it. Speaking with my wife, he had no objections.

Mr. Gordon: Well, I was only looking.

Mr. Oliveri: Only looking?

Mr. Gordon: You don't know that I had no objections.

Mr. George: Do you have ledge in the area or other problems that don't allow you to comply?

Mr. Gordon: The whole backyard is a septic system.

Mr. Rosen: I was just wondering what your hardship was and that's it. Okay. What district is this, Ron?

Mr. Alarie: This is a Rural A District. The minimum side yard setback is 30 ft. for a pool, 20 ft. from the rear and 30 ft. on the sides. So, the variance is to allow it to be placed within 10 ft. of the lot line.

Mr. Rosen: So, basically, because of the septic, there's nowhere you really can put the pool?

Mr. Oliveri: Correct.

Mr. Gordon: I think that they'd prefer to put it right in the middle of the yard.

Mr. Oliveri: Yes, we would definitely prefer that.

Mr. George: How big is the pool going to be?

Mr. Oliveri: It will be 16 ft. by 32 ft.

Mr. Rosen: Are there any questions? Is there anyone in attendance who would like to comment on this petition?

Mr. Gordon: You were right, Mr. Oliveri, I was fine with it.

Mr. Rosen: There being none, we'll take it under advisement and notify you of the board's decision.

Mr. Oliveri: Do you need this letter from the neighbors or not?

Mr. Rosen: Actually, why don't you bring it up here.

(Mr. Oliveri presented the letter to Mr. Rosen.)

The decision of the board is on the following page.

Decision

On July 25, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Thomas and Beth Oliveri, 649 South Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an inground swimming pool 10 ft. from the side lot line of property located at 649 South Street.

The board reviewed the appellants' proposal to install an inground swimming pool within the rear yard of their property and found that, due to the topography of the lot and the extremely large area of the rear yard encumbered by the on-site septic system serving the dwelling, there was no viable area remaining upon the parcel to locate the pool in conformance with all applicable setbacks. It was their opinion that, in this instance, the literal application of the minimum terms of the Zoning Bylaw would impose a significant hardship to Mr. and Mrs. Oliveri in their attempt to install a swimming pool upon their property. They felt that the reduction of the side yard setback to 10 ft. for this at grade

structure would not seriously depart from the intent of the bylaw and that its installation would not adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

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|---------------|-----|
| Mr. Rosen | Yes |
| Mr. George | Yes |
| Mr. Gordon | Yes |
| Mr. Schaetzke | Yes |
| Ms. Towner | Yes |

PUBLIC HEARING: Hit Quarters, LLC, 3 Tennis Drive, Shrewsbury, MA.

PURPOSE: To hear the appeal of Hit Quarters, LLC, 3 Tennis Drive, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the use of a portion of the building located at 3 Tennis Drive as a multi-sport training facility and membership club. The subject premises is described on the Shrewsbury Assessor's Tax Plate 36 as Plot 5-1.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W. Schaetzke, Donna Z. Towner and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on July 10, 2006 and July 17, 2006.

Atty. Russell: Good evening, board members. My name is Francis Russell and I'm the lawyer for Hit Quarters, LLC. With me are Joseph Duquette and Nathan Sorenson, both of the owners of Hit Quarters, LLC. Nate and Joe are both former Shrewsbury High student athletes.

What they propose to do at the former site of the Golf Dome at 3 Tennis Drive is to create an indoor, multi-sport training facility. The facility will occupy the space that was formerly occupied by the Golf Dome. There's no expansion of the area that's being used. This property is located in a Residence A and a Limited Industrial Zone. Pursuant to Section IV B of the bylaws, they are allowed by special permit to change the current nonconforming use provided they meet certain criteria. We think that their proposed use as a training facility meets the criteria in that it, number one as I said, will occupy the same space that was occupied by the Golf Dome. We think that the use that they propose to put the building to is consistent with the use of Mass Health & Fitness, the other major occupant of the building. We think that their use is not going to be substantially more detrimental to the neighborhood or the public if the special permit is allowed. For those reasons, we request that you approve the special permit. They're both here with me to answer any questions that you might have.

Mr. Rosen: The first question that I have is, what are the hours of operation that you would prefer?

Atty. Russell: Currently, they're open less than the hours of operation of the Mass Health & Fitness Club so they're hours are within the parameters of the current use.

Mr. Gordon: What hours do you want?

Atty. Russell: I think that that's been sufficient for them. There may be a time when they have league play that they might look for expansion of the time, but I think they're asking for the same hours that Mass Health & Fitness is open.

Mr. Rosen: So, you want, basically, the same hours as at Mass Health & Fitness?

Atty. Russell: Right.

Mr. Rosen: Ron, do you know what those are.

Mr. Alarie: I've got a number of folders for that property. I'll dig through them and see what the board has done in the past.

Atty. Russell: From my review of that, it seemed like some of the uses that had been granted were given specific hours, but not necessarily tailored to Mass Health & Fitness.

Mr. Alarie: I can read the last decision which was 1994 when the Golf Dome went in. The board didn't set any hours. Their finding at that time states that "The board reviewed the operation of the tennis club since its inception in 1972, noted that the types of recreational activities offered to the membership had been adjusted over the years and the market needs had changed. The board found that during this period the club has operated consistent with the general intent of the bylaw as well as the specific additions contained in the 1992 special permit and the various amendments thereto."

When this building originally opened up, it basically housed eight tennis courts, some handball courts, racket ball courts, ancillary facilities, showers and so forth. Over the course of time, there've been a number of adjustments to that, nautilus facilities, swimming clubs and other things were added into the space. I don't know if there's anything in there specific to the original 1972 permit relative to hours, but I'll take a look and see if there is anything stated.

Mr. Gordon: Ron, the condominiums on Lebeaux drive way down at the end, when were they built?

Mr. Alarie: Those were built, I believe, in the mid to the latter part of the eighties.

Mr. Gordon: They would have been here at the time when some of these changes were made?

Mr. Alarie: They were built well after the tennis club was first established, but some of the amendments or changes took place after they occupied.

Mr. Gordon: Okay.

Mr. Rosen: But, before the last hearings?

Mr. Alarie: Before the Golf Dome?

Mr. Rosen: Yes.

Mr. Alarie: Yes, they were here when the that change was made.

Mr. Rosen: There's no history of complaints or anything?

Mr. Alarie: No. We came across this in the course of our periodic inspections of places of assembly. We noticed that there was a change in use, notified Mr. Sorenson and the owner of the property, or manager, that they'd have to adjust the special permit or come before the board for a review of the change. Since that time, we've been working with them to try to get a final plan of the changes that were going to take place, worked with Mr. Russell and also Mr. Avis, who I think was his attorney at that time, to get before the board so that they could address the change in the activity or use at that specific location. I think that the only two instances we had there were during the later part of the spring involved some youth programs that were run. The primary issue or concern was about the access drive to the facility where there was parking taking place on both sides of road. After that those situations arose, we addressed it with the applicants. They had somebody out there monitoring the parking, they posted "no parking" signs one side of the road and also posted notices at the entrance to the building. I think that the traffic or parking was the only issue that came up since they've been in there. When they open it up to a youth organization like that, that's what happens and I think that's the only thing that really would concern us. They have to control the number of teams or organization that are there at any one point in time.

Mr. Rosen: Okay.

Mr. Gordon: Is there snow storage in that parking area, Ron?

Mr. Alarie: I think that everything just gets pushed off of the lot to the outside grassed areas.

Mr. Gordon: The wetland?

Mr. Alarie: No. There's quite a distance between what would be the easterly most side of the parking area and the wetlands that are closer to Walnut Street. If the board is familiar with this site, you come in from Walnut Street on Tennis Drive, which is a long private driveway that provides access to the building. There are certainly no instances that I know of where the parking gets out onto Walnut Street, which is basically the purpose of requiring adequate off-street parking.

Mr. Gordon: When I went there Saturday, the parking lot was full and there were basically two trucks parked on Tennis Drive. Do you see parking on one side of Tennis Drive as a problem?

Atty. Russell: Well, a couple of the things that they've done to address that are one, they can't control the tennis club's use of their premise with respect to the facility that they're running. Their contract specifically points out to the people that are using it where they're not allowed to park. They've posted it. Instances like Ron spoke of where they expect larger groups to tryouts of Little League and things like that, what they learned from their first go around was that they're going to stagger the times so that they don't have everybody coming in at once and they're going to place people on the street to make sure that the parking does not filter over into the non-parking areas.

Mr. Gordon: That would be my only concern, that there was adequate parking, especially when there is snow because, if you parked on both sides of that driveway during the winter, I think that you would find a problem. I don't think that you'd be able to get into your club.

Atty. Russell: Well, that doesn't help them either.

Mr. Gordon: No, it doesn't. If we had Mass Health post it, he's the owner, right?

Atty. Russell: They are the owners.

Mr. Alarie: Part of the problem is that, at the time that they were doing the conversion of the Golf Dome to this use, they had construction equipment and other items there that were taking up part of the parking lot. Since that period of time, those have been removed. At this time of the year with better weather, I don't think that we'd experience any real issue. Perhaps in the winter time when there're more indoor activities, I think that that's when we probably should have one side of that driveway, preferably the right-hand as you drive in, posted for no parking to provide access for emergency vehicles.

Mr. Gordon: Yes. Are you going to do what is done in Northborough? Are you going to have leagues and that or are you just having tryouts?

Mr. Sorenson: We plan on doing both.

Mr. Gordon: So, you'll have some corporate clients also who might bring their people for a whatever you call it?

Mr. Sorenson: "Leagues."

Mr. Gordon: Yes, "leagues."

Mr. Sorenson: Yes.

Atty. Russell: They're going to do better than Northborough.

Mr. Gordon: My only concern is the adequacy of parking if both of you are as successful as we want you to be. I noticed that there were cars parked so that, if you were facing your building and looking down to the left, it seems that there would be space for additional parking. There was one car blocking it so that nobody could get down there.

You might want to post that to keep it open so you can get three or four or five cars down there. I mean, it's unpaved, but I'm sure that that doesn't matter to a lot of us.

Mr. George: Do you plan on having school busses or kids from schools coming to your facility?

Mr. Sorenson: Yes.

Mr. George: Where would those busses wait for the people?

Mr. Sorenson: I don't think that it would be busses, more individual cars.

Mr. George: Okay, so it will be individual? It wouldn't be a school type?

Atty. Russell: No, school-aged children that are taken by parents.

Mr. Gordon: But, if you have a league, you could conceivably have busses?

Mr. Sorenson: They would be adult leagues.

Mr. Gordon: Oh, okay.

Mr. Sorenson: Or youth leagues like eight and nine year olds.

Mr. George: So, they wouldn't be oriented with school activity?

Atty. Russell: No.

Mr. Sorenson: To answer your question more in detail, if we did have something with a bus, there is a parking lot up at the top of the hill at the Day's Inn which we have access to.

Mr. Gordon: So, that goes through?

Mr. George: Right.

Mr. Gordon: Nobody uses that anymore.

Mr. Sorenson: So, that would be something substantial for a bigger bus or RV or something.

Mr. Gordon: I'm fine.

Mr. Alarie: Mr. Chairman, I looked at all of the decisions. There was only one relative to the outdoor swimming pool, the swim club and swimming classes that are conducted, where you set a time limit on that. Other than that, there are no time restrictions for the internal activities.

Mr. Gordon: What are Mass Health's hours, Ron? And the neighbors haven't complained?

Mr. Rosen: No. I think that the only instance where we've had complaints was relative to parking on Tennis Drive.

Mr. Gordon: Okay. How long is your lease?

Mr. Sorenson: Eight Years.

Mr. Gordon: If we tied this to the length of your lease, that wouldn't be a problem?

Atty. Russell: There are extension periods so we hope to be there more than eight years. So, if it was tied to their occupancy, I don't think that we would have a problem.

Mr. Gordon: Well, that's what we would like to do, tie it to your occupancy. If there is a problem at some period of time, you've got to come back at that time and we can address the problem. That's why we have tried to put reasonable time limits on these.

Mr. Rosen: What's the term of the lease again?

Atty. Russell: Eight years.

Mr. Rosen: How many options?

Atty. Russell: There's one option for five additional years.

Mr. Rosen: Okay.

Ms. Towner: Would you be open any time for twenty-four hours a day? I know that some facilities have hockey games at three in the morning. You wouldn't have anything like that?

Mr. Sorenson: No.

Mr. Alarie: What would be the latest time that you would run perhaps a league game?

Mr. Sorenson: I would say that probably at this point, eleven at night.

Mr. Alarie: To end it or to start it?

Mr. Sorenson: To start. That would run with Mass Health's hours right now.

Mr. Rosen: How late are they open till?

Mr. Sorenson: Usually between eleven and twelve. It depends on how many people are there. I believe that they have a liquor license until two. They're never open until two though.

Mr. Gordon: I didn't know that.

Mr. Rosen: Unless the two associate members have any comments on this petition, everyone is done. We'll take it under advisement and notify you of our decision.

Decision

On July 25, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Hit Quarters, LLC, 3 Tennis Drive, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the use of a portion of the building located at 3 Tennis Drive as a multi-sport training facility and membership club.

The subject property, which primarily houses the Shrewsbury Racquet Club, was originally developed for indoor recreational use in accordance with a special permit issued on January 12, 1972. During the course of time, this special permit was either amended or new permits issued to expand or alter the uses conducted within and outside of the club including sports training facilities, the installation of indoor and outdoor swimming pools and the change in use of one of the main wings of the building from four tennis courts to an indoor golf driving range that was done in 1994.

The site is predominately situated within a Residence A District and the Zoning Bylaw in effect in 1972 allowed "Membership Clubs" to be established within this zone. Such clubs were defined as "A private organization, building or grounds to include specifically country clubs and fraternities and other organizations to which membership is limited or controlled." This definition was recently amended to include the phrase "but not primarily for profit or to render a service that is customarily carried on as a business." As a result of this change, this facility now exists as a legal nonconforming use.

Hit Quarters has occupied the aforementioned portion of the building formerly used as the Golf Dome for open-field individual and team sports training, leagues and associated activities. They have installed a synthetic turf surface upon which a myriad of athletic training can be conducted and field games played. Their patrons will be capable of utilizing other support facilities within the clubhouse such as the locker rooms and showers.

It was the board's opinion that the proposed use of a portion of the subject premise by the appellant did not substantially deviate from the intent of the original permitting for this site and its use for indoor recreational purposes. They noted that the present site is relatively large, that the present clubhouse is quite removed from any public way and is somewhat isolated and that, except for the two homes accessed via Tennis Drive, its primary abutters are businesses that front upon Route 9. They found that the conduct of the indoor field sports activities would not materially change the nonconforming use of this site or further impact the welfare of abutting or surrounding properties and it was, therefore, unanimously voted to grant the appeal as presented to the board subject to the following:

1. There shall be no parking of motor vehicles along the northerly side of Tennis Drive. "No Parking" signs spaced a maximum of 50 ft. apart shall be installed along said side of the driveway from Walnut Street to its westerly terminus. A permanent sign stating that "No Parking is Permitted Along the Northerly Side of Tennis Drive –

Vehicles Will Be Towed At the Owner's Expense" shall be installed directly outside of the main entrance to the club.

2. The rights authorized by this granting are issued to Hit Quarters as owned and operated by Mr. Sorenson and Mr. Duquette and are not transferable.
3. The rights authorized by this granting shall remain in effect for a period of eight (8) years, said period commencing upon the date of the filing of this decision with the office of the Shrewsbury Town Clerk.

Vote

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| Mr. Rosen | Yes |
| Mr. George | Yes |
| Mr. Gordon | Yes |
| Mr. Schaetzke | Yes |
| Ms. Towner | Yes |